

REMARKS

Claims 41-42, 44, 46-52, 57-68, 70-78 and 100-106 stand rejected. Claims 41-42, 44, 46-49, 51-52, 60-68, 70-76 and 100-106, stand rejected under 35 U.S.C. § 102(e) over U.S. Pub. No. 2004/0054630 (“Ginter”). Claim 50 stands rejected under 35 U.S.C. § 103(a) over Ginter in view of U.S. Pat. No. 6,243,350 (“Knight”). Claims 57-58 and 77-78 stand rejected under 35 U.S.C. § 103(a) over Ginter in view of U.S. Pat. No. 6,147,715 (“Yuen”). Claim 59, stands rejected under 35 U.S.C. § 103(a) over Ginter in view of Yuen and U.S. Pub. No. 2005/0010949 (“Ward”). Claims 41, 49, 60, 70, 78, and 100 are amended in this response. No new matter has been added with these amendments.

Applicants would like to thank Examiner Raman and her Supervisory Examiner for participating in a telephonic interview on August 26, 2008, in which the undersigned discussed a draft of the present Amendment. During the interview, Applicant discussed how the claimed subject matter is distinguished from the prior art of record. Furthermore, the Examiner tentatively agreed that, pending a further review, the above amendments and below remarks appear to overcome the cited prior art.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 41-42, 44, 46-49, 51-52, 60-68, 70-76 and 100-106, of which claims 41, 60, 70, and 100 are the independent claims, currently stand rejected under 35 U.S.C. § 102(e) over Ginter. Claim 41 is directed to a video distribution method performed by a video distribution system. Without conceding the propriety of the rejection and arguments supporting the rejection of claim 41 in the Office Action prior to the amendments herein, Applicants submit that the reference cited in the rejection does not disclose the subject matter of claim 41 as amended.

In rejecting claim 41, the Examiner contends that Ginter discloses the previously recited step of effecting the distribution of video disks to said remote viewing locations, said video disks including a plurality of video items recorded in an encoded and compressed format designed to be viewed using only said player devices (see Office Action of 6/13/08, p. 5). The cited passages from Ginter are directed to mechanisms for protecting and enforcing commercial agreements and privacy rights (Ginter paragraph 0126) and delivery means for VDE-managed content including

optical disks (Ginter paragraph 0147). The cited passages do not teach the distribution of video disks designed to be viewed using only the player devices as previously recited.

To further clarify the distinction between claim 41 and Ginter, Applicants have amended Claim 41 to recite, in part, “the player devices including *proprietary circuitry configured to decode video content recorded in a proprietary encoded and compressed format*” and “said video disks including a plurality of video items including said video content and recorded in said proprietary encoded and compressed format and *designed to be viewed using only said player devices* (emphasis added). Support for the amendments may be found at least in specification paragraphs 0015, 0020, and 0038.

Ginter is generally directed to secure transaction management and electronic rights protection (see Abstract). Ginter further discloses electronic appliances such as computers that access and use the transaction and rights information. The electronic appliance of Ginter is generally a general purpose computing device (see paragraph 0450) that is further part of a virtual distribution environment that assumes and utilizes an existing information ecosystem or “electronic highway” (see. e.g., Figure 1 and paragraph 0364). Thus Ginter does not disclose a player device “including proprietary circuitry configured to decode the proprietary format” as recited in claim 41. In fact, Ginter teaches away from such a player device. For example, Ginter paragraph 0098 states:

Employing VDE as a general purpose electronic transaction/distribution control system allows users to maintain a single transaction management control arrangement on each of their computers, networks, communication nodes, and/or other electronic appliances. Such a general purpose system can serve the needs of many electronic transaction management applications without requiring distinct, different installations for different purposes.

(emphasis added).

Applicants have further amended claim 41 to recite “effecting the distribution of player devices”. Support for the amendment may be found at least in the specification paragraph 0051. As explained during the interview, Ginter assumes and utilizes an existing information ecosystem and does not anticipate the distribution of the recited player device with the above

recited features. During the interview the Examiner agreed that the amendment appears to overcome the cited passages from Ginter.

For at least the reasons explained above, Applicants respectfully submit that the cited reference does not teach the recitations of claim 41 and, therefore, claim 41 is patentably defined over the cited art. Accordingly, Applicants respectfully request that the rejection of claim 41 be withdrawn. Similar amendments have been made to independent claims 60, 70, and 100, and Applicants respectfully submit that claims 60, 70, and 100 are also patentably defined over the cited art.

Claims 42, 44, 46-49, 51-52, 57-59, 61-68, 71-78, and 101-106 each depend, directly or indirectly, from claims 41, 60, 70, or 100. Applicants respectfully submit that for at least the reasons explained above with respect to independent claims 41, 60, 70 and 100, each of these dependent claims is patentably defined over the cited art and, accordingly, respectfully request that the rejection of these claims be withdrawn.

Claim Rejections – 35 U.S.C. § 103(a)

Dependent Claims 50, 57-59, 77, and 78

Claims 50, 57-59, 77, and 78 stand rejected under 35 U.S.C. § 103(a) over various combinations of Ginter, Knight, Yuen, and Ward. Claims 50 and 57-59 depend, directly or indirectly, from claim 41. Claims 77 and 78 depend indirectly from claim 70. Applicants respectfully submit that for at least the reasons explained above with respect to independent claims 41 and 70, each of these dependent claims is patentably defined over the cited art and, accordingly, respectfully request that the rejection of these claims be withdrawn.

Conclusion

As explained above, Applicants submit that claims 41-42, 44-52, 57-68, 70-78 and 100-106, which currently stand rejected in the Application, are patentably defined over the cited art. The Examiner is respectfully urged to reconsider the Application. Favorable consideration and passage to issue of the application is earnestly solicited. If the Examiner should, however, find the claims as presented herein are not allowable for any reason or if the Examiner has any

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questions, comments, or suggestions that would expedite the prosecution of the present case, the Applicants undersigned representative would sincerely welcome a telephone conference at (206) 903.2474.

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